IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 21467 of 2006(E)

PETITIONERS:

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1. PRADEESH, S/O.VIJAYAN,
   VEDA, PAYYAMBALAM, KANNUR-1.

2. M.ANIL BABU, MANGALASSERY HOUSE,
   PAYYAMBALAM, KANNUR DISTRICT.

3. N.P.SREEMATHI, ASWATHI,
   PAYYAMBALAM, KANNUR DISTRICT.

BY ADV. SRI.P.M.PAREETH
SRI.M.V.HAREENDRAN
SMT.C.C.JANCY
SRI.MOHAMMED SHAMEEL

RESPONDENTS:

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1. KANNUR MUNICIPALITY REPRESENTED
   BY ITS SECRETARY, MUNICIPAL OFFICE,
   KANNUR-2.

2. DISTRICT COLLECTOR, KANNUR.

3. KERALA STATE POLLUTION CONTROL BOARD,
   REPRESENTED BY ITS SECRETARY,
   PATTOM, THIRUVANANTHAPURAM.

4. DISTRICT ENVIRONMENTAL ENGINEER,
   KERALA STATE POLLUTION CONTROL BOARD,
   DISTRICT OFFICE, SOUTH BAZAAR, PAYYANNUR,
   KANNUR DISTRICT.

5. P.C.NARAYANAN, PRESIDENT, THIYYA
   SAMUDAYA SAVA SAMSKARA SANGAM, PARIJATHAM,
   RED CROSS ROAD, PAYYAMBALAM, KANNUR-1.

ADDL. 6. THE EXECUTIVE ENGINEER, ELECTRICAL DIVISION,
K.S.E.B., VIDHYUTHI BHAVANAM, KANNUR-2

ADDL.R6 IMPLEADED AS PER ORDER DT.5.2.2007 IN I.A.761/07

R5 BY ADV. SRI.A.MOHAMED MUSTAQUE
SRI.M.K.SUMOD
R1 BY ADV.SRI.K.K.CHANDRAN PILLAI
SRI.R.V.SATHYAPRIYAN NAIR
R3 & R4 BY ADV.SMT.THULASI BAI, SC
ADDL.R6 BY ADV.SRI.JOSE J.MATHEIKEL, SC.
R2 BY GOVT.PLEADER SMT.T.B.RAMANI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C) No.21467 OF 2006

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DATED THIS THE 28th FEBRUARY, 2007

J U D G M E N T

Mr.Jose J.Matheikel, Standing Counsel for the K.S.E.B. submits that connection was given to the new electric crematorium on 22.11.2006 in the name of the Secretary, Kannur Municipality and the consumer number assigned is 9266. Mr.K.K.Chandran Pillai, Standing Counsel for the Municipality submits that the Municipality will be able to start the functioning of the crematorium at the earliest. The above submissions are recorded.

2. In view of the above submissions, the Writ Petition will stand disposed of directing the 1st respondent-Municipality to commence the functioning of the electric crematorium at the earliest at any rate within three months of receiving copy of this judgment. As regards the grievance voiced by the petitioners against the working of the conventional crematorium by the 5th respondent, the Municipality will issue notice to the 5th respondent and to the petitioners before taking any decision regarding stoppage of that crematorium. The grounds raised by the parties are left open to be decided in appropriate future proceedings.

(PIUS C. KURIAKOSE, JUDGE)

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